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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771.131	01/26/2001	Satoshi Mizutani	2309/01213	6716

7590

03/29/2004

DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022

EXAMINER

CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
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1772

19

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

8M

Interview Summary

Applicati n No.

09/771,131

Applicant(s)

MIZUTANI ET AL.

Examiner

Alicia Chevalier

Art Unit

1772

All participants (applicant, applicant's representative, PTO personnel):

(1) Alicia Chevalier.

(3)_____.

(2) Alphonso A. Collins.

(4)_____.

Date of Interview: 11 March 2004.Type: a) ☒ Telephonic b) ☐ Video Conferencec) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____.

Claim(s) discussed: All pending.Identification of prior art discussed: All cited.Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Alicia Chevalier 3-11-04
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative initiated a telephonic interview with the Examiner of record to discuss the new matter rejections.

Applicant's representative argued that the recitation of "contact points" only at the apex of the each protrusion would be common sense in view of the figures and the recitation in the specification on page 11 and 12. The Examiner strongly disagrees that this is common sense, especially in view of the specification on page 6 that discuss "contact areas" of the fine convex portions and the lack of literal support in the specification. If the fine convex portions have "contact areas" not only is the limitation regarding the "contact points" of the protrusions new matter but also adds a question of whether Applicant's have enablement for such a limitation.

Applicant also argued that the limitations "greater than 0.0837 mm to 1.0 mm" and "grain size" were not new matter. The Examiner reiterated her rejections to those limitations as argued in the previous office action.

The Examiner did agree to favorably consider a claim that encompassed all the limitations of claims 1, 2, 3 and 5 and removal the new matter.